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AUTHENTIC MEMOIRS

OF

George Robert Fitzgerald, Esq;

WITH A

FULL ACCOUNT

OF HIS

TRIAL AND EXECUTION,

FOR THE MURDER OF

Patrick Randell M'Donnell, Esq;

CONTAINING

The Particulars of the various Rencontres he was engaged in, interspersed with ANECDOTES of the different Persons concerned, and his singular Behaviour at the Place of Execution.

TOGETHER WITH

A SKETCH OF THE LIFE

OF

TIMOTHY BRECKNOCK,

Who was executed for being concerned in the above Murder.

L O N D O N :

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M,DCC,LXXXVI.

174 Novel
89



THE LIFE OF

JOHN RUSKIN

BY JOHN RUSKIN

WITH A FOREWORD BY

THE EDITOR

CONTAINING

A SKETCH OF THE LIFE

OF

JOHN RUSKIN

EDITED FOR THE EDITOR

LONDON

MEMOIRS

OF

George Robert Fitzgerald, Esq;

A MORE than ordinary eccentricity of conduct, joined to a disposition litigious in the extreme, with great impetuosity of temper, have thrown this gentleman into a variety of interesting, and often unfortunate situations. The violence of his passions has frequently seduced him to interfere, where neither honour nor justice had any claim upon his assistance, and eventually brought him into a predicament, where the forfeiture of his life was thought necessary for the welfare of society.

George Robert Fitzgerald, Esq; is the eldest son of the late *Fitzgerald*, of Rockfield, about two miles distant from the town of Castle-bar.

The father possessed a clear unincumbered estate of three thousand pounds a year : and married Lady *Mary Harvey*, sister to the Earl of *Bristol*, Bishop of *Derry* :—but the same unhappy dispositions which characterize the son, were in a great degree prevalent in the parent ; his fortune procured him neither respect nor consequence, except among his tenantry ; and by his wife's relations he was detested ; for neither her birth, character, nor exemplary life could screen her from the most barbarous usage, which compelled her at last to take refuge in the *Bristol* family ; and gave him an opportunity of taking home a Miss *Norris*, to do the honors of his table ; and to whom most of the ensuing dissensions between himself and his son have been generally attributed.

At a very early age, *George Robert Fitzgerald* was married to Miss *Conolly*, sister to the Right Hon. *Thomas Conolly*, member of Parliament for the county of *Londonderry*, and cousin-german to his Grace the Duke of *Leinster* ; and with this lady he received a fortune of 10,000*l*.

Soon



Soon after the celebration of their nuptials, the young couple went abroad, and for some time they remained on the continent, where Mrs. *Fitzgerald* died, leaving an only daughter, who is still living.

Without attempting to swell this narrative with Mr. *Fitzgerald's* exploits and adventures upon the continent, it may not be improper to mention the first *fracas* by which he became popular in England; and this was in consequence of his very ungentleman-like treatment of the Rev. Mr. *Henry Bate*, in the business of the Vauxhall affray; an affair which then made a considerable noise in the world; and an impartial recapitulation of which seems here by no means improper.

Mrs. *Hartley*, the celebrated actress, being at Vauxhall, in company with others, among whom were the Rev. Mr. *Bate* and Mr. *Coleman*, was put out of countenance, by what she deemed the impudent looks of four or five gentlemen, who purposely placed themselves directly opposite to

her, which obliged her to appeal to Mr. *Bate* on the occasion, who, observing as she did, arose and seated himself between her and these rude-looking gentlemen, who taking offence at this, got up one by one, and reconnoitered him with all possible contempt, telling him, the said Mr. *Bate*, that he looked like a stout, tite-made fellow, and capable, no doubt, of bruising; to which Mr. *Bate* replied, they were four impertinent puppies, and could not be gentlemen, by their behaviour to Mrs. *Hartley*, &c.

This brought on a general dispute, which was divided into *three acts*, till at last a gentleman, one Captain *Crofts*, addressed himself to Mr. *Bate*, and asked him whether he meant any thing against him? who was answered, No: however, Captain *Crofts*, perhaps imprudently, made himself a principal with the rest, and after much ill language had passed, brought upon himself an expression of anger from Mr. *Bate*, that he would wring him by the nose: addreses were then given; very scurrilous language was received by Mr. *Bate* afterwards in the Gardens, a challenge was sent to him the next morning, and an appointment made in the
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afternoon at the Turk's Head Coffee-House, Strand, where Mr. *Bate* with a friend, Mr. *Dawes*, waited with punctuality for near an hour, when Captain *Crofts*, in company with the Hon. Mr. *Lyttleton*, came in: a short recapitulation began between Mr. *Bates* and Captain *Crofts*, who were interrupted by Mr. *Lyttleton*, as second to the latter, desiring that a crisis should be made without words; that Mr. *Bate* should ask the Captain's pardon in the papers, or name his weapon, and go with him in half an hour.

Mr. *Bate*, in a very manly and resolute way, refused begging pardon, where no offence was given; but after expatiating on the impropriety of his deciding the difference, as a clergyman, in a military manner, waved a remembrance of his profession in defence of his honour, and agreed to adjourn with Captain *Crofts*, to such place as should be appointed by the seconds, Mr. *Dawes* for Mr. *Bate*, and Mr. *Lyttleton* for the Captain; who, after exerting every thing in their power to prevent any ill consequences, reduced the cause or quarrel and defence to writing, the better to understand what ground they were to stand upon, as friends to the

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combatants, Mr. *Bate* being the whole time as impatient for decision as any man living, who had conceived himself injured ; but just as Mr. *Lyttleton* and Mr. *Dawes* were going out to chuse their pistols, Mr. *Fitzgerald* broke in with apparent anger, and demanded satisfaction of Mr. *Bate*, for his friend Captain *Miles* ; but Mr. *Lyttleton* and Mr. *Bate* remonstrated with him on the great inconsistency of giving that satisfaction, when Mr. *Bate* and Captain *Crofts* were then going out ; yet he insisted on his friend's having satisfaction first ; to which Capt. *Crofts* replied, in a way that did him honour, that he was highly offended at the mode of Mr. *Fitzgerald's* calling on Mr. *Bate*, after they had agreed to go out on one and the same quarrel, and said that he never understood that one man was bound to fight a whole company, where the supposed offence was given in gross, and not in particular.

Mr. *Fitzgerald* however continued his anger, saying his friend could not wait, and he was determined Mr. *Bate* should not go out with Captain *Crofts* till his affair was settled. From this circumstance, Mr. *Lyttleton* and Mr. *Dawes* then thinking, from
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the particulars they had heard on both sides, trifling acknowledgement that each was wrong would be best, recommended it to the parties, who, with some difficulty complied, and were made friends.

Thus ended all matters relative to Captain *Crofts*; and with respect to Mr. *Fitzgerald*, he declared, that had Captain *Crofts*, Mr. *Bate*, and their seconds, Mr. *Dawes* and Mr. *Lyttleton*, gone out, he would have prevented a duel, by putting the former under an arrest. The former matter being thus settled, Mr. *Bate* desired Mr. *Fitzgerald* to introduce his friend, who he alledged was injured. He answered, that it would be better without, for that he was a hot-headed man, and might come to blows without ceremony. Mr. *Bate* however, insisted on seeing him, observing that he could not receive any violence from him, being conscious he had never offended him. On being introduced, he said, unless Mr. *Bate* would box him, he would beat him in every public place he met him. Mr. *Bate* then said, if he did, he would defend himself; for though he was capable of boxing, he never chose to decide any differences
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that way, but with those from whom he could have no other satisfaction; still, as Captain *Miles* triumphed in this refusal, Mr. *Bate*, with very great reluctance, consented to meet him on his own terms, and accordingly a long room was fixed on, and Mr. *Darves* and Mr. *Fitzgerald* were to second the bruisers, who immediately prepared themselves for battle, in the presence of Mr. *Lyttleton*, Mr. *Fitzgerald*, and another. At first, the advantage seemed against Mr. *Bate*, but a fair set-to for about twenty minutes, convinced the company (but particularly Captain *Miles*) that Mr. *Bate*, though inferior in size, was victorious, who never received one blow that he felt. Captain *Miles*, was sent home in a coach, with his face a perfect jelly, and Mr. *Bate* was invited to dine with the Hon. Mr. *Lyttleton* on the morrow, as a proof of the applause he highly merited. A greater instance of true courage never appeared in man, more than in Mr. *Bate*, who according to the proverb—

"Etiam quos contra statuit equos placatosque demisit,"

enforced the applause of his adversaries.

Mr.

Mr. *Fitzgerald* and his friend having received perfect satisfaction, and quitted the field of battle, Mr. *Bate* and his friend Mr. *Dawes*, began to collect together some circumstances, which led them to suspect that Captain *Miles* was an hired bruiser;—his most amazingly confused address, the manner in which his friends treated him, and his awkward actions, all conspired to confirm the opinion that he was a *made-up* gentleman for the business; and it eventually appeared, that the vanquished Captain *Miles* was no other than *Fitzgerald's* own footman, who constantly attended for the preservation of his dear master, and to fight his battles; and had Mr. *B*— followed the dictates of resentment against the men who had so grossly insulted him, so friendly a conduct would have probably prevented *Fitzgerald* from making a more general atonement for his enormities at the hands of a common executioner.

A second attempt was made upon Mr. *B*—, at his chambers, at Clifford's-Inn, by four armed ruffins, attended by two others, who went to his apartments in the dead of night, knocked up his
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servants,

servants, while *Fitzgerald*, under a feigned voice, and other specious pretences, endeavoured to allure him from bed;—happily the villanous scheme was frustrated by Mr. B——'s spirit and prudence.

This transaction gave birth to a variety of smart controversial papers; but ended in proving that Mr. *Fitzgerald*, could neither write nor fight, but by proxy; for as on the latter occasion, he employed his footman, so in the other business, his literary substitute was Mr. *Brecknock*, a gentleman of the law, and afterwards chief agent in most of his affairs in Ireland.

Contempt and ridicule now so universally pursued Mr. *Fitzgerald*, that he was on the point of retiring to the Continent, together with the companions of his late discomfiture, when his unlucky propensity to litigious disputes, involved him in another quarrel, not much more favorable to his reputation than the preceding.

Among the gentlemen of the turf, *Thomas Walker*, Esq; was a person pretty generally known, and especially

especially by the more familiar title of *Daisy-Dick*;—an attachment to the sport had compelled him to quit his native country before he came of age; and by the advice of his guardians, he repaired to France, to avoid the horrors of impending confinement, and endeavour to retrieve his shattered circumstances. Indeed it was become necessary for him to retire, when he had even brought all the money-lenders to a total stand-still.

Among other obligations which he left undischarged on quitting the kingdom, was a note for 3,000*l.* that during his absence had been sold to Mr. *Fitzgerald* for less than the tenth part of its value: *Walker's* friends, pitying his situation, had come to an accommodation which gave him the opportunity of returning to England after a few months absence; and he had not been many days in town, before *Fitzgerald* made a demand upon him for the full money. This demand *Walker* was totally unable to comply with; but being still under the direction of guardianship, his friends made proposals to *Fitzgerald* for exonerating him, and five hundred pounds were offered;

offered: this was acceded to, the note cancelled; and it was understood by all parties, that the obligation entirely ceased, even in the whimsical brain of Mr. *Fitzgerald*.

Some time elapsed, during which, *Walker* and *Fitzgerald* met each other with the usual interchanges of civility; at length the fluctuating state of *Fitzgerald's* finances prompted him to make a demand of the balance of the note which had been already cancelled.

He took the opportunity on the race-ground at Guildford, attended by a friend and a servant, to desire *Walker* to ride with him some small distance from the company, when he made a formal demand of the 2,500*l.* — *Walker* contended that he could neither in justice nor honor have any such claim upon him; but these were arguments very foreign to the little hero's mode of reasoning, and he began to talk loudly of his resentment; yet as the appearance of Mr. *Fitzgerald* was never calculated to create fear, *Walker* probably held his threats in little estimation; while the rage of his
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doughty antagonist being fully excited, he suddenly turned round his horse, struck *Walker* a blow across the mouth with his whip, and before the other could turn round, rode off with his companions towards the company, among whom he soon became invisible.

Walker presently afterwards set off for London, and waited *Fitzgerald's* return to town: on the morning of whose arrival, Captain *Gwynn*, (a friend of *Walker's*) delivered him a challenge, which the little *Tybalt* accepted, and fixed the time for the same evening at eight o'clock,

As *Fitzgerald* would make no apology for the insult offered by the blow he had given *Walker*, nor the latter agree to any terms respecting the note, the seconds adjusted the ceremonials of the duel: *Walker* as having received the offence, being permitted to discharge the first pistol, which he did without effect: Mr. *Fitzgerald*, from being a professed master of duelling, as he boasts himself, took the advantage of shortening his person as low as possible, and thereby likely avoided what most
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he feared. Indeed, so complete a master of the pistol is Mr. *Fitzgerald*, that he boasts himself of being able, “ from trials successively repeated twenty times, one after the other, to hit at the distance of twelve feet, any part of the human body, to the *twelfth part of an inch*!—Thus ingeniously did he pass his private hours; always hard at study.”

“ Of what benefit is theoretic knowledge, says
 “ Mr. *Fitzgerald*, if it is not to be carried into practice
 “ at the only time it can be of essential service to
 “ us?—Accustomed to study arms, not superficially,
 “ but scientifically—the moment a pistol is levelled
 “ at me,—the instant it is fired, I make as out-
 “ stretch an *elongé* as possible, and by thus throwing
 “ myself into a *sideway* position, not only present as
 “ little surface of body as can be, but also lose sixteen
 “ inches of my natural height. Besides, by throwing
 “ myself into this attitude, and by keeping my eye
 “ in a direct level with the muzzle of my adversary’s
 “ pistol, I am enabled to cover both my head and
 “ heart from his fire; for the bullet must first have
 “ penetrated the palm of my hand, *before* it can have
 “ reached the lobes of my brain; and it must have
 “ perforated

" perforated the whole horizontal length of my
 " right arm, which is almost impossible, before it
 " can have made its passage to my heart. This is
 " properly understanding the *science* of arms as a
 " SCIENCE; and even when a man shall have
 " advanced thus far, there are a thousand other *fair*
 " advantages an ADEPT had over a novice, which
 " no mercenary artist either will or can teach, and
 " which are only to be acquired by intense study and
 " private practice, and which, like a masked battery,
 " should never be made known to our adversary,
 " but by its sudden, unexpected effect."

The duel between these gentlemen ended by
 Mr. *Walker* receiving a ball on the bone of his right
 arm, about two inches below the shoulder; the
 quantity of powder which produced it, not being
 sufficient to carry it further. This, it must be
 observed was in reality Mr. *Fitzgerald's* *second* fire;
 for on the first attempt, having deliberately taken
 aim, the pistol only flashed; tho' this would on
 many occasions, have been considered as a real
 shot. Mr. *Walker* having now lost the use of his
 arm, and his surgeon being apprehensive of the
 wound, it was agreed to adjourn. Mr. *Fitzgerald*
 positively

positively asserted, that his antagonist was *papered*, in order to preserve himself from all danger.

The spirit of literary controversy, by which Mr. *Fitzgerald*, (or rather his champion Mr. *Brecknock*) seemed at all times greatly influenced, was here again displayed in *appeals* and *replies*; and ended in an application to the Jockey Club, to determine this *affair of honor*; which the *respectability* of the appellants, rendered, indeed, a nice point; though appearances preponderated rather in favor of Mr. *Walker*.

The reputation of a man, whose valor was founded upon having fought *eleven duels*, and who had lost the roof of his skull by a pistol, would have been sufficient to have deterred most men from incurring his resentment;—but Mr *Scarwen*, a gentleman of the Jockey Club, having unfortunately rendered himself obnoxious to *Fitzgerald*, by not countenancing his appeal, and giving a negative voice on the occasion, was the next person who received a challenge from him, and as they were prevented from meeting in England

Mr. *Walker* was agreed to adjourn to
London

to decide their differences, it was resolved to give mutual satisfaction on the Continent.

The more immediate cause of the duel, was, indeed, owing to a *blow* which Mr. *Scawen* gave Mr. *Fitzgerald*, in consequence of being accused with partiality in his decision, as a member of the jockey club.—Of the termination of this contest, the following is the most impartial account we have been able to collect.

On Wednesday, September 1st, Mr. *Scawen* and Mr. *Fitzgerald*, with their seconds and surgeons, met at Lisle, according to the appointment of Mr. *Fitzgerald*. All matters relating to the duel being adjusted, they arrived at their ground in the Austrian dominions, between Lisle and Tournay, about a quarter after seven in the evening. The seconds having measured the distance, which, by mutual agreement, was ten paces, each gentleman took his post, Mr. *Scawen*, in going to his ground, asked Mr. *Fitzgerald* if he chose to fire first, who replied, it was a matter of indifference to him, but altering his opinion, said he would take the first

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shot,

shot, to which Mr. *Scarwen* readily assented. Mr. *Fitzgerald* then presented his pistol, and fired; the shot seemed to pass very near Mr. *Scarwen*. After Mr. *Fitzgerald* had fired his first pistol, he took hold of the other, and stood with it in the attitude of presenting, to receive Mr. *Scarwen*'s fire. Mr. *Scarwen* then presented his pistol, but before he could pull the trigger, was surprised at the report of Mr. *Fitzgerald*'s second pistol. On this Mr. *Scarwen* immediately recovered his, telling Mr. *Fitzgerald* at the same time, that as both his pistols were discharged, he could not think of firing at him, and instantly discharged his in the air. Mr. *Fitzgerald* replied, "I assure you I did not mean it, my pistol went off by accident; but I'll load again." The seconds and surgeons here interposed, in order to accommodate the affair; and Mr. *Scarwen* coming up, addressed himself to Mr. *Fitzgerald*, and said, he hoped his behaviour had now sufficiently convinced him he was not deficient in point of courage; and as a further reparation for the blow he had given, he was not ashamed to present him with a cane (which at that instant, he took from the French surgeon) desiring him to use it as he thought proper.

proper. Mr. *Fitzgerald*, after raising the cane (which did not appear to have touched Mr. *Scawen*) politely returned it, saying, "I retract all the aspersions I ever cast upon your honor, am now convinced you never deserved them, and wish there may be no retrospect of past transactions." A reconciliation being thus happily effected, the parties returned on their way to Lisle, where Mr. *Fitzgerald* likewise made a handsome apology for having fired his second pistol, declaring it was accidental. The whole company afterwards passed the evening together, and separated the next morning perfectly satisfied.

Some time after this, Mr. *Fitzgerald* returned to his native country, when, it is said, his father refused to make payment of any of the arrears, due to him in consequence of the deed of settlement on his marriage, by which he stood engaged to pay him one thousand pounds a year: the old gentleman also insisted upon *George Robert* making a division of the estate with his younger brother *Charles*, or granting a confirmation of the leases which had been made to the latter, on terms

highly advantageous to himself, but greatly prejudicial to the estate. *George Robert* had therefore no other remedy than to appeal to the laws of his country.

To the law, therefore, he made his appeal, and sued out a *custodium*, which empowered him to receive a proportional part of the rents of his father's estate, until his demands were satisfied. With his endeavouring to put the law in force, commenced his misfortunes : he found his father prepared for him, and determined to repel force by force ; and this he was the more easily able to do, as he had a powerful tenantry, amongst whom was the unfortunate Mr. *M'Donnel*, lately murdered; nor had *George Robert*, to back him, at that time, a force sufficient to do himself justice in a legal way.

His disappointments and difficulties daily increased. Amongst other illegal acts committed by his father, during his absence, one was, the leasing out the lands to his favorites at an under value, in order, as much as possible, to lessen the

the income of the estate in future. There was one, it is said, in particular, made to *Charles Fitzgerald*, of a valuable tract of land at *one shilling and six-pence* an acre, which was worth, to a farmer, for grazing, *sixteen shillings* an acre; and, not content with this shameful bargain, he also leased out the *Deer Park*, to this favorite son, at the same price.

These transactions, which militated so much against his interests and fortune, and perpetrated too by his father, directly in the teeth of the most solemn deeds and covenants, must doubtless have excited in *Mr. Fitzgerald's* breast, the most violent struggle between the principle of self-preservation and filial affection; which last, however, even in the most trying scenes, he did not forget, as the following anecdote fully evinces.

Mr. Fitzgerald, senior, had been arrested for a debt of *eight thousand pounds*, which the son was no way obliged, nor was the estate liable to pay; yet, notwithstanding the extraordinary ill usage he had received from his father, *Mr. Fitzgerald* released him

him from the spunging-house, by taking the debt on himself, and thereby gave him that liberty, which he otherwise could never have obtained; for his estate being at that time under *custodium*, and being, moreover, torn in pieces by the factions which he himself had created, he was totally incapable of paying the debt himself.

It is well known, that where there are different claimants for rent, the tenants, will always take advantage of this circumstance, and pay neither; under pretence, that if they should pay, they may do it to their own prejudice; consequently *Fitzgerald*, senior, must have remained in prison during the remainder of his life.

It appears to be no uncommon thing, in Ireland, for the owners of large estates, to linger out their latter days in this ignominious manner: having lived beyond their income, and thereby contracted debts, they go to gaol to practise œconomy. In this school they are first taught to fet their creditors at defiance; and, what with the extravagance of the family without doors, and the urgent necessities
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of those within, no savings can be made for the unfortunate plaintiffs: thus the heir comes into a clear estate, on which he contentedly sits down, without ever paying for the cloaths that hid his nakedness, his education, or the bread that fed him. This shews a wonderful depravity of morals, and the force of bad example.

Whatever might be the general conduct of *George Robert*, this act of generosity to his principal and *avowed* enemy, and to his father's creditors, will certainly preponderate in his favor.—Few people, situated as he was, but would have taken advantage of this accident, and thereby have turned the tables on his professed enemies.

Had old *Fitzgerald* possessed one spark of honor, or of gratitude, exclusive of *the feelings of a father*, all further violence must, after this transaction, have subsided; but neither the seeds of honor or of gratitude, nor those of parental affection, were ever discovered to have been sown in his frame—or, if they were, the soil must have been exceeding barren, or the fruit nipt in the bud,

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Some idea of old *Fitzgerald's* character may be gained from the following anecdote, which is reported with an act of authenticity.

Mr. *Fitzgerald* senior, professed to be very religious; he was frequently discovered by the servants on his *bare knees*, with his wig and cloaths off, at his private prayers. One of the girls took the liberty to expostulate with him, being afraid, she said, he would expose himself too much to the cold: his answer was, "I feel no cold, child—I *am wrestling with God*, to unite my sons in affection: —the loaf (meaning the estate) is sufficiently ample for both, if divided between them." The girl, archly enough, replied, "Ah! dear Sir, if that is all you are praying for, put on your wig and your cloaths, and take your breakfast; for the prayers of the whole world would not prevail on my young master to give up his birth-right, or any part of it, to master *Charles*."

The liberty which the son thus procured to his father, the latter employed in fermenting greater discord between the two brothers than had hitherto appeared;

appeared ; inasmuch that *George Robert* was obliged again to have recourse to the law, for an enlargement of his powers. He made an application to the Lord Chancellor, setting forth the demand he had on his father, which then, including the 8000*l.* above-mentioned, amounted to upwards of *twenty thousand pounds*—and the obstacles he had met with, in receiving the rents.

Upon this application, the Lord Chancellor was pleased to make an order for his taking possession of the whole estate. This happened in the year 1780; about three years before the father's death.

But as to the Lord Chancellor's order, had *Fitzgerald* attempted to take possession of an estate with an order from the bailiff of the next manor, it could not have been less effectual, or been held in more apparent contempt.

It becomes necessary here to recur back to a circumstance, which was equally as productive of dissension in the county of Mayo, as it contributed to render Mr. *Fitzgerald* a very popular, though not a very admired character.

His father was induced to stand candidate for the county at the general election in 1775;— he lost it indeed, after a very severe contest, and having run the other party very close on the poll.

By this, the strength of parties was thoroughly investigated; and *George Robert* conceived the flattering hope of turning the scale in favor of himself, whenever he should be in possession of the estate; and therefore was determined to begin his operations in time. At the lent assizes, in 1778, he projected a public entry into Castlebar, for the purpose of declaring himself a candidate at the next vacancy; and the exhibition, it is said, would not have disgraced the entry of an imperial ambassador into the city of London. Every house in the town, that could be obtained, and that was best adapted for the purpose, was procured, the better to enable this political phoenix to entertain not only the country, but the world in general, who chose to partake of his extravagance.—And well knowing that the innkeepers must suffer considerably by his intended banquet, as he proposed drawing

drawing the whole public into his own vortex—to remove every apprehension of this sort, he compounded with them for all their *probable* losses, in the *lump*.

The splendour exhibited in this village, and which lasted three days, was scarcely ever exceeded in the capital—the capital might, in some degree, be considered as having emptied itself into the village. A string of cars, from the city of Dublin, of an amazing length, preceded the company several days, loaded with every article the metropolis could furnish, necessary for the occasion:—to them succeeded, in proper order, cooks, and confectioners of different nations, sexes, and colours:—sempstresses—tailors—mantua-makers—milliners—perfumers—hair-dressers—musicians—fire-workers—players—shoe-blacks—and five times the number of beggars.

On the commission day, entered the company.—Mr. *Fitzgerald* appeared like an Eastern Nabob: and what was still more pleasing to the towns-people and gamblers, he was really provided with a large

sum of money to defray his expences, and for play, The seat of his carriage was filled with guineas, sealed up in parcels of fifty each—for he played nothing under.

Preparatory to a vacancy, Mr. *Fitzgerald* gave notice that he intended to establish, on his estate, a colony of Presbyterians from the North, whom he proposed to make freeholders: and, as an inducement to them to come to him, he offered to lay out 500*l.* in erecting a meeting-house; and to settle 50*l.* *per annum*, and a house and land, on the Minister, whom themselves should choose to be their pastor.

The introduction of a new race of inhabitants, and of a sect too, whose principles were not only unfavorable, but in fact, totally opposite to the prevailing religion of the country, was in general, regarded in a disagreeable light; and the High Sheriff summoned the people together, by public advertisement, to consider of this measure; while Mr. *Fitzgerald* pursued his own scheme, for procuring a new set of supporters, who would be firmly

firmly attached to his interest, and his attention to which was only called off by his unfortunate family dissensions.

Numberless, however, were the disputes in which he involved himself with his father's tenantry, and the gentlemen of the country. In the spring assizes of 1780, he was tried for shooting at the Hon. Mr. Brown, to whom he had gone to deliver a challenge. Had there not been a mistake in the manner of indicting him, which was for a capital offence, supposed to come within the purview of the *chalking act*, he would have been confined, and prevented from committing the outrages which have since disgraced that country. The court and the bar thought no punishment too severe for so violent a misdemeanor: but as it did not come within the meaning of the act, he was necessarily acquitted.

To execute the order which *Fitzgerald* had obtained from the Chancellor, was attended with the greatest difficulties. The first step was to get possession of the mansion-house and estate at Rockfield;

Rockfield; in which he succeeded, by taking an opportunity, while his father was absent at Turlough, (a residence some distance from Rockfield) to make a forcible entry, assisted by a troop of his armed dependents, and dislodge the servants who were left in care of the house. Before his possession could be secured, a number of severe contests ensued between the father's party and his own; always dangerous in their consequences to one of the parties, and often fatal to both.

In hopes to put a termination to this unlucky business, the father, after various other measures had failed, indicted his son for having headed a riotous mob; one of whom had, by his instigation, as the father alledged, attempted to take away his life, by firing a loaded musket at him. The guilt of the son in that transaction, not having, however, been sufficiently proved, he was acquitted; but not before the father had publicly declared in court, that he was in the utmost dread of his life from his said son, and requested the protection of the court against him.

George

George Robert not being able to procure sufficient bail, after many fruitless applications to several gentlemen present, made his escape out of court without having given any. But on the very next day, the old gentleman was attacked on the public high road, by his son, attended by a party of armed men, and forcibly carried to the son's house, where he remained a considerable time a close prisoner.

Justice for some time slept over this horrible transaction—the most pitiable remonstrances had been frequently made to Government upon it, by the other son; robbed of his parent, and robbed, in consequence, of all means of extricating him from his confinement, and of supporting himself: as a last resource, he indicted his said elder brother, for the illegal imprisonment of their father, at the assizes of Mayo.

Fitzgerald was immediately apprehended in the court, whither he had gone to attend in the capacity of Grand Juror; and though the Sheriff did not venture to seize him, yet his brother *Charles* lodged examinations against him, and arrested him in the jury room.

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The Grand Jury unanimously, and without the least hesitation, found the bill, and to manifest to the world their honest indignation on the occasion, they also publicly addressed the Judge in court, declaring their abhorrence of the charge laid against the said eldest son, requesting his Lordship would direct them how they should further proceed, in order to acquit themselves with honor of the duty, which, on that occasion they owed to their country and themselves.

The Judge acted with the dignity and uprightness which became his station, refused with just contempt all efforts for putting off the affair to the next assizes, and during a trial which lasted from nine o'clock in the morning, till near twelve at night, displayed through the whole an accurate knowledge of the law, united with the finest feelings of a man, and the most shining abilities. The prisoner was found *guilty*—fined 1000*l.* to be imprisoned for three years, and until he should pay the fine.

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The idea of any kind of restraint was perfectly ungrateful to the mind of Mr. *Fitzgerald*—but the confinement of a prison was attended with every mortification to one of his *free* sentiments:—the procurement of his liberty therefore engrossed the chief part of his attention, though he was not negligent of the future means of preserving his freedom:—and in the accomplishment of this point, Fortune favored him beyond his expectations.

A foreign vessel of some force was driven by distress into a seaport, a few miles from *Castlebar*, where she was afterwards obliged to unload her cargo, and undergo a great deal of repairs; the expences of which were far beyond the owner's abilities to pay; especially as part of the cargo had been spoiled;—the unfortunate captain was therefore committed to *Castlebar* gaol, a fellow prisoner with *George Robert*, with whom an intimacy ensued; and as the ship with her *guns* and stores were condemned to be sold, Mr. *Fitzgerald*, with an eye to futurity, commissioned his agents to make a purchase of the guns and ammunition, under pretence of their being for the use of the volunteers.

This circumstance accounts for his being afterwards enabled to erect so formidable a battery, as even to alarm Government, and oblige them to send an armed force against him.

By what means *Fitzgerald* obtained his freedom from *Castlebar*, has never perfectly been explained; though it has generally been supposed that the locks of the Irish gaols are not more irresistible to the strength of a *golden* key, than those of other parts of the world.—Soon after his escape he appeared at *Rockfield*, which his partizans had still maintained the possession of for their chieftain; and which he fortified in a very able manner; erecting a formidable battery, consisting of the iron ordnance he had purchased of the ship-master. The battery was erected on an artificial mount, on which was planted a grove of trees, situated about one hundred yards from the high road, and the same distance from the gate of the avenue which leads to the mansion-house, and half an English mile from the house itself.

An escape from prison is, by the law of Ireland, deemed a capital felony; and in consequence, proclamations and rewards were issued by the Sheriff of the county for apprehending him; and even a train of artillery was ordered from Dublin to dislodge him from his fortifications; but so confident did he seem of the strength of his works, the weight of his guns, the zeal of his partizans, and the exhaustless stores of his ammunition, that he set them all at defiance. He even took the sashes out of the windows of his house, and put canon, blunderbusses, &c. in their stead.

On *Friday*, the 21st of *September*, 1783, *Cesar French*, Esq; marched with 200 desperate fellows from the county of Galway, and was within two miles of the works at *Rockfield*, on the *Saturday* night. On *Sunday* morning they appeared to *Fitzgerald*, who saluted them with a volley of six-pounders; this sudden attack obliged them to retreat precipitately. In the evening they set out for *Clare*, in their way home, when the garrison sallied forth and attacked *French's* rear-guard with the baggage, consisting of provision, ammunition,

&c. which they took, with eleven prisoners; the provisions they distributed, but destroyed the ammunition; A few of *French's* rear guard escaping, soon came up with the main body, at Clare, and informed them what happened, on which a detachment immediately returned, and engaged the Governor's men, who fought for some time with great resolution. *Fitzgerald's* horse failing, he dismounted one of *French's* men, and rode off. In a few minutes after Mr. *French*, with another reinforcement, came up and took seven of *Fitzgerald's* men prisoners, with the baggage, carts and horses, and two field-pieces; the prisoners were conducted to Galway.

The next day, Mr. *French*, being joined by a strong party of Volunteers, they took eight of them prisoners, and lodged them in gaol.

This most extraordinary and outrageous proceeding, incensed the respectable families to which he was connected; his relations, very justly gave him up, and every friend to the family joined in most sincerely

sincerely wishing him in the hands of that justice he had so often offended.

Indeed, finding himself unable longer to resist the united forces that were sent against him, he and his partizans quitted the fortifications, carrying with them every article in their power, and rendering what they left behind as useless as possible. The house at Rockfield was also set fire to, and consumed.

The cannon, it is said, were spiked up, and wooden ones mounted in their stead, by way of deception, while he, on the 3d of October, decamped to Killala, with his father still in his custody: his brother *Charles Lionel Fitzgerald*, at the head of the *Castlebar* Volunteers, immediately pursued him, in hopes of rescuing his parent; but the other being accompanied by his banditti, and joined by a large party at Killala, and by numerous others from the county of Sligo, formed too powerful and desperate a body for his brother *Charles* and friends to attack with any hopes of success. But on the Tuesday following, a strong detachment
from

from the Mayo Legion of Volunteers went to reinforce those of *Castlebar*, and at the same time the King's barge was stationed off Killala to prevent the escape by sea of this lawless insurgent. A report prevailed on the same night that *Fitzgerald* had put to sea, but was obliged to reland, from the circumspction of the King's barge, and there being no probability of escaping that way, he made an incursion into the back settlements of *Irris*.

Colonel *Cuff*, with the Crossmalina Corps of Volunteers, having two pieces of cannon, marched immediately after him.

Fitzgerald crossed the Moyne at Killala, and took refuge from the pursuit of the Mayo Volunteers, in Tireragh, in the county of Sligo, whither he conveyed his father; on intelligence of which the Right Hon. *Owen Wynne*, immediately marched with a detachment of his regiment of Royal Sligo Volunteers, and continued a close pursuit for three days; but, on the 4th, *Fitzgerald* having intelligence that Mr. *Wynn* was to be joined by the remainder of his corps, finding every avenue by which

which his father could be sent away, cut off by the intelligence of this gentleman, he, in order to save himself, delivered up the old gentleman to Sir *Malby Crofton*, Bart. who carried him safe and well to Mr. *Wynn*; happy indeed at his liberation, and grateful to the gentlemen and troops who effected it, and to whom the public thanks were certainly due, for their spirit, alacrity, and judicious conduct. It is supposed *Fitzgerald* himself effected his escape by a boat, as every other pass of that extensive country, intrenched with mountains, was effectually guarded.

On the 17th of October, Mr. *Fitzgerald* had the imprudence to return to Dublin, and scarcely took any pains to conceal himself;—he was, consequently soon discovered and traced. Town-major *Hall* having got intelligence of him, took twelve of the Ligonier troops from the castle-guard, and found him in College-green, about half past ten, walking about in a careless indifferent manner. He did not make any resistance, but immediately gave up his sword. Indeed he pretended that he had come

come to Dublin for the purpose of surrendering himself.

A proclamation had been signed and issued only the day before, offering a reward of 300*l.* to any one that would seize his person, and lodge him in any of his Majesty's gaols.

From the time of Mr. *Fitzgerald's* being taken, he was confined in the officer's room at the Castle-guard-house, while proper measures were taken to prosecute him for his various violations and contempts of the laws of his country. No pressure of misfortune, however, appeared to operate upon his spirits: the romantic ideas of the *Herveys* seemed to be blended with the extravagance of the *Fitzgeralds*; and he only shrugged up his shoulders like *Charles of Sweden*, when he comforted himself with the reflection, that he had lost a glorious opportunity of holding out three days longer against the siege of Bender.

The singularity of Mr. *Fitzgerald's* character diffused itself to those who claimed the honor of
his

his acquaintance. As a proof of this, we need only adduce the case of Mr. *Fenton*, who, being arm in arm with him when he was apprehended in Colledge-green, shared his fate in being ordered to the same prison: no proofs of any guilt having the next morning appeared against him, he was discharged; upon which he thought proper to write Major *Hall* a note to the following effect:

"SIR,
 "Despairing of obtaining any satisfaction from
 "you, for the illiberal treatment I received from
 "you, I desire you will meet me with a friend, at the
 "Fifteen Acres, at five o'clock to morrow evening;
 "when the Lord have mercy on your soul, as your
 "body shall receive none from

MICHAEL FENTON."

This sanguinary epistle being carried by Major *Hall* to Lord A——y, and examinations lodged in consequence, a special warrant was issued; and Mr. *Fenton* having gone to the new prison to visit his friend, the under-keeper apprehended him on the warrant, which rendered his visit much

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longer

longer than he suspected. In a few hours after, fresh informations were lodged against him as an accomplice of Captain *Fitzgerald*, in his *Mayo Quixotism*, and he remained to stand his trial accordingly.

Mr. *Fenton* was afterwards tried upon the charge of sending the challenge to Major *Hall*, on account of being apprehended with Mr. *Fitzgerald*. It appeared in evidence, that the paper was left at *Daley's* Chocolate-house, and was written by some incendiary, no proof whatever appearing that it was Mr. *Fenton's* hand-writing, or that he was any way concerned in sending or fabricating the same. The jury, therefore, without going from the box, acquitted him.

As a further proof that Mr. *Fitzgerald's* singularities have not been confined to his own conduct and actions, but have been equally manifested in the choice of his friends; among the most distinguished of them must be placed that very curious personage Mr. *Timothy Brecknock*; to whose literary assistance *George Robert* was so much indebted

debted during the paper-warfare that arose from the Vauxhall affray, and afterwards in the similar dispute with *Walker*.

Little is known of this gentleman's origin:—his first appearance in England, was as an attorney, in the Temple; and an occasional writer for the public papers, chiefly the *Gazetteer*:—the following anecdotes of him, seem written by no unfriendly hand.

“ Mr. *Brecknock* is the celebrated gentleman of that name, who is well known in the republic of letters; and who, some years ago, figured in the political controversions that were carried on in the *Gazetteer* during the life-time of Mr. *Charles Say*. Mr. *Brecknock* also rendered himself very remarkable and popular, a few years since, by going into the court of *King's Bench*, and personally informing against the Judges of that court for *wearing cambric*. On this extraordinary occasion, Lord *Mansfield* said to Mr. *Brecknock*, “ *how will you prove that we wear cambric?* ” “ My Lord,” said *Brecknock*, “ I have “ sworn it, and it now remains with your Lord-

"ships to prove the contrary." The court, however, finding themselves not sufficiently learned to overthrow *Brecknock's* arguments, paid him the fine without investigating the matter further. By this notable action, *Brecknock* created great diversion in the Hall, at the expence of the Judges, and obtained great credit with the people in general.

"On another occasion he also shewed great cleverness.—By some means *Brecknock* found out, that an estate belonging to the late *Cardinal Wolfey* was not possessed by the lawful heirs; he therefore advertised in the newspapers, both at home and abroad, desiring the heirs of the *Cardinal* to apply to him, as he could inform them of something greatly to their advantage. This proceeding so alarmed the person in possession of the estate, that to stop the advertisements, *Brecknock*, it is supposed, was quieted by a sum of money.—This eccentric genius is now law-agent to *Mr. Fitzgerald*, at a salary of 300*l.* a year."

It

— It waits to be determined how far his *cleverness* will extricate himself and his employer from their unhappy situation.

Among other whimsies which prevail with Mr. *Brecknock*, he has long entertained a conceit that he has discovered the secret of preserving life for several hundred years, though his present situation makes the efficacy of his nostrum of immortality rather apocryphal. On every good Friday he has himself regularly bled into a bowl, and then swallows his blood as a sort of sacrifice.

Mr. *Fitzgerald* remained in the New Prison a considerable time—until the administration of Lord Temple. His excellency granted him a pardon, on condition that Mr. *Fitzgerald* would never, from thenceforth, either accept of, or send a challenge to fight a duel, and that he should give his word of honor for his future good behaviour.

Mr. *Fitzgerald* did not continue long in this peaceable situation, for he was presently after his enlargement engaged in a contest, in which, probably

bably for the first time, he was not the aggressor.— This circumstance being related in a pamphlet, published lately, in defence of Mr. *Fitzgerald's* character, and apparently with greater impartiality than any other part of the work, which is supposed to be the production of Mr. *Brecknock*, we shall give it in the writer's own language.

“ At the trial of Mr. *Fitzgerald* for the riot before-mentioned, Mr. *Martin* was of counsel for the prosecution, and in his pleading, threw out some very severe reflections against the prisoner, and also against the prisoner's father; in drawing the comparison, however, between the characters of the father and the son, he concluded, that *George Robert* was the worst character of the two.

“ Mr. *Fitzgerald*, in return, took occasion, when he made his defence, to retort on Mr. *Martin*, with such pointed severity, that the Barrister insinuated he would resent it at a proper opportunity.

“ As

"As soon therefore as *Mr. Fitzgerald* was discharged from his imprisonment in Dublin, by Lord *Temple*, *Mr. Martin* sent *Mr. Lester* with a challenge to him.

"*Mr. Fitzgerald*, on receiving the message, asked *Mr. Lester* if he had not heard the injunction laid on him by Lord *Temple*. *Lester* replied, he had heard of such a thing, but knew not if it was true; and if it was true, did not imagine he, (*Mr. Fitzgerald*) would avail himself of such a ridiculous injunction.

Mr. Fitzgerald having secured the written message, sent by *Mr. Martin*, safe in his pocket, was determined to inflict instant punishment on the unfortunate *Lester*—in doing which, it must be acknowledged, *Fitzgerald* acted with his usual consistency.

"Seeing a very brilliant ring on *Mr. Lester's* finger, *Mr. Fitzgerald* said to him—"I think Sir, you have a very fine ring on your finger." *Lester*, very unsuspectingly, took the ring from his finger, which

which the other politely received, as if to look at—but, *designedly*, let it fall on the floor; and, setting his foot on it, he crushed this valuable ring to atoms. Mr. *Fitzgerald* then picked up the shattered contents, with more than ordinary attention—put the stones and gold into a piece of paper—twisting them up, and put them into *Lester's* pocket, with the following Jesuitical address:—"Perhaps, Sir, you will say I robbed you—but you see I have not." After this, he opened the parlour door, and desired the servant to bring him his *crab*, meaning his walking-stick. When the crab was brought to him, he began a most violent assault upon Mr. *Lester*, and so dexterously did he brandish his *clubstick*, that he made poor *Lester* both sore and bloody; and in this very frightful condition, turned him headlong out of his house, to be the laughing-stock of the populace, who, by this time, had gathered about the door in great numbers.

"Mr. *Lester*, with his wounds bleeding, immediately went to the house of Judge *Hen*, before whom, after reciting every aggravating circumstance, he lodged

lodged an information for an assault; and a warrant was immediately issued to bring Mr. *Fitzgerald* before the Judge.

"When the gentleman appeared there, the Judge was going to commit him; upon which Mr. *Fitzgerald* took from his pocket the written message which Mr. *Lester* had brought to him from Mr. *Martin*. This paper he shewed to Mr. *Hen*; and when the Judge had read it, he suspended the *mittimus* against Mr. *Fitzgerald*, and immediately committed poor *Lester* to Newgate, for having brought Mr. *Fitzgerald* a challenge from Mr. *Martin*.

"Upon *Lester's* arrival at the prison, he was become so horrid a spectacle, that he appeared to be a much fitter object for an *infirmary*, than a gaol.

"The next day, the combatants gave bail to appear at the quarter-sessions—but the affair, I believe, was amicably adjusted, for I never heard any thing more about it."

Mr. *Fitzgerald* and Mr. *Martin* afterwards met, and fought a duel, in which neither party received any hurt.

The last unhappy contest in which Mr. *Fitzgerald* was engaged, having been attended with circumstances of so fatal a nature, as to plunge himself, his adherents, and a number of his antagonists, into a situation from which they were removed only to the last scene of their existence, we shall endeavour to relate the events which gave rise to it, with the strictest impartiality, and steer a candid course between the accounts which have been published by friends and enemies.

A particular branch of the linen manufacture had been established by Mr. *Fitzgerald* on his estate, which was increasing very much;—'tis to be lamented that objects of this nature did not wholly engross his attention, which would have produced much emolument to himself, and diffused industry, comfort, and happiness to those around him, instead of being, by a violation of the laws, rendered a necessary sacrifice to their justice.

In

In May, 1785, Mr. *Arbutnot*, who was inspector-general of the linen-trade for the province of Connaught, waited on Mr. *Fitzgerald*, to request his assistance in executing a number of warrants that were to be served on people in the neighbourhood, charged with defrauds in that branch of manufacture.

Mr. *Fitzgerald* readily consented to give every assistance in his power, and having personally assisted Mr. *Arbutnot* in apprehending one of the inhabitants of *Castlebar*, the whole town became his implacable enemies; for they could not foresee whose turn it would next be to be apprehended, nor where the effects of these warrants would end.

It now became necessary to prevent Mr. *Fitzgerald* from being one of the Grand-jury at the next ensuing assizes. The first step taken by them to effect this, as Mr. *Brecknock* asserts, was that of robbing a car of his, in which were many valuable articles to a great amount. Warrants were accordingly soon granted to apprehend the robbers.

Some contemptible actions of resentment being shewn by the people of *Castlebar*, such as committing little depredations upon his land, and one day shooting his favorite setting-dog, warrants were soon also granted for apprehending these men; which still more enraged the town of *Castlebar* against Mr. *Fitzgerald*; consequently he must either be taken out of the way, or they themselves must undergo their trials at the following assizes. To prevent Mr. *Fitzgerald* from being upon the Grand-jury, being still the principal point they had to bring about; the next step they took was, to commence an action against him for firing a pistol at the late Mr. *M'Donnell*, as he was riding by *Fitzgerald's* house. The charge was likewise against six other persons in the house, as accessaries, against all of whom warrants were issued, and accordingly, at the then ensuing assize, they were all indicted.

Mr. *Fitzgerald* stood his trial without so much as one evidence to prove that neither he, nor any person in the house, had fired any pistol. But the prevarication of the witnesses plainly demonstrated

the malice of the prosecution, and the judge directed the jury to bring in a verdict of "*not guilty*;" which they did immediately.

The dissensions between Mr. *Fitzgerald*, on the one hand, and the tenantry of his father, with the people of *Castlebar*, on the other, continued to increase, and mutual injuries were sustained, till the unhappy accident, the preliminaries of which have been just stated, and the consequences we are now to relate.

Some time about the beginning of February, 1786, Mr. *M'Donnell* was again attacked and wounded, as he was going to his house; and which he made oath, was done by a party of *Fitzgerald's* men, under the direction of their master. These men were accordingly apprehended, in consequence of advertisements issued by many gentlemen of the town and neighbourhood of *Castlebar*, who offered a considerable reward, being anxious, if possible, to free the country from such unhappy disturbances. On their being taken, *Fitzgerald* gave bail for them; notwithstanding which, is is
said,

said, *M'Donnell*, as a magistrate, committed one of them; but he was released by another magistrate; upon which, *M'Donnell* confined him in a *private house*, for the space of eighteen days: after he was enlarged from this confinement, he declared, upon oath, that *M'Donnell* offered him three hundred pounds if he would swear that *Mr. Fitzgerald* had ordered, or directed, or counselled him, to shoot the said *M'Donnell*.

After the circumstance of being fired at, *Mr. M'Donnell* kept much on his guard, as he received many informations, that several parties of *Fitzgerald's* men were looking out for him, with an avowed determination to destroy him. — *Mr. M'Donnell* went, for the greater security, to the house of a *Mr. Martin*, in the neighbourhood of *Castlebar*, in company of *Mr. Gallagher* of that town, and another gentleman, *Mr. Hipson*.

Mr. Fitzgerald having received this intelligence, immediately granted warrants for apprehending the above gentlemen: — the former for having

falsely

falsely imprisoned Mr. *Fitzgerald's* servant; and the two latter for having shot at, and killed his favourite setting dog, before his own door.

Mr. *Fitzgerald's* head-constable was dispatched to execute those warrants, together with eight of of his assistants, who not being thought sufficient for the purpose of seizing *M'Donnell* and his friend, who were doubtless upon their guard, Mr. *Fitzgerald* himself, with a very numerous party of his tenants, followed, to their aid.

The house where *M'Donnell* and his friends now were, is situated about a mile from Turlough, where *Fitzgerald* resided; the former party had not long been there, before the house was surrounded by the adherents of the latter gentleman; —Mr. *M'Donnell*, seeing the banditti approach, made his escape to Ballivary, a village contiguous. In the mean time, his friends, having exerted all means for their self-preservation, and after having expended their little ammunition, and slightly wounded six or seven of the constable's assistants, surrendered themselves prisoners.

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The banditti now broke into *M'Donnell's* house, broke and destroyed every thing, and took away several stand of arms; not finding their prey, they, under the command of *Mr. Fitzgerald*, broke into, and searched several houses; at length, they came to the house where *Mr. M'Donnell* and *Mr. Gallagher*, one of his friends had taken refuge, and on finding the door was secured, they fired several balls through the windows and doors, into the house. The number of men in arms is supposed to be, at least one hundred. At length having forced into the house, they made *Mr. M'Donnell*, *Gallagher*, and *Hipson* prisoners; and *Fulton*, one of *Mr. Fitzgerald's* party, produced a warrant, which he had against them.

The unfortunate *M'Donnell* and the gentlemen, begged of *Mr. Fitzgerald* to bring them before *Sir Neal O'Donnell*, but in vain; they were tied and dragged to *Mr. Fitzgerald's* own house, in *Turlough*, where they continued all night. *Gallagher*, one of the prisoners, sitting in a window, overhead *Mr. Fitzgerald* uttered some very suspicious expressions.

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They were, between five and six o'clock in the evening, conducted to Mr. *Fitzgerald's* house, when an express was immediately sent off to the nearest magistrate, with orders, that if he should decline coming to the charge of the prisoners, then to proceed with all diligence to another magistrate, about eighteen miles distant, who had granted two of the said warrants. About one o'clock the next morning, the express returned, with *reasonable excuses* from each of the said magistrates, friends of *Fitzgerald's*, for not coming to Turlough. Early the same morning, the constable, with eighteen or twenty assistants, set off with his three prisoners, in order to conduct them, as was alledged, to another magistrate, about ten miles distant.

Out of respect to the commission which Mr. *M'Donnell* bore as a magistrate, and on account of the wound he had received some time before, when fired at by a party of *Fitzgerald's* men, out of an old house, in which they were concealed, he was permitted to ride his own horse, and excellently well mounted he was;—though at the same time,

one of the ruffian's held the reins of his horse's
 bridle.—*Gallagher* and *Hipson* were tied together.

On being drawn up before *Fitzgerald's* door,
M'Donnell asked him where they were to go? and
 was told by Mr. *Fitzgerald* that the constable had his
 directions, and would act accordingly; they now
 marched those unfortunate men, to a scene the most
 shocking and villainous ever heard of in any country.
 When they got about three quarters of a mile from
 Turlough, a shot was fired from the rear, which
 wounded one of the ruffians, on which there was a
 general cry of—a rescue—a rescue, and immedi-
 ately several shots were fired at the prisoners;—
Hipson, who was tied to *Gallagher*, was shot dead
 on the spot, and *Gallagher* received three balls
 through his right arm. *Hipson* falling, pulled
Gallagher into a ditch, where, although the cords
 were broke, he lay for some time. *M'Donnell*, by
 the same volley, had both his arms broke, and his
 horse taking fright, made off, but received several
 shots from behind ditches and walls, and was at
 length overtaken by one of the banditti, who fired
 several flugs into his head, of which he immediately
 expired.

expired. They then returned to where *Hipson* lay, and finding *Gallagher* was not dead, and had stole away, they followed him, and found him hid under a bush; some were for immediately putting him to death, but were over-ruled by others, who brought him back to Mr. *Fitzgerald's* house, where he was kept prisoner, until the Rev. *Thomas Ellison* went from *Castlebar* to demand him. In the mean time, Mr. *Fitzgerald*, when taken in his own house, was discovered by *J. Gallagher*, in a chest, covered with blankets, where this mighty hero had taken refuge. He certainly would have fallen a sacrifice to the just fury of an enraged people, had it not been for Lieutenant *Daniel*, and a party of the 3d horse, who took him under protection.

Being now secured in the public gaol, it was not imagined that any person would act with such impropriety, as to attempt, in that situation, to pursue their resentment, or contrive an assassination. Yet it appears, that about eleven o'clock on Tuesday night (on that day he was lodged in gaol) the gaol door was opened by six gentlemen, who knocked down Mr. *Clark*, the Sub-sheriff, the gaoler, and

one of the centinels; they fired five shots at Mr. *Fitzgerald*, one of which took place in his thigh; he received several wounds of small swords, one of which broke in his right arm; they then took a brass candlestick, with which they battered his head in a most shocking manner, and thinking him dead, they left the gaol; however, Mr. *Fitzgerald* has sworn positively against Doctor M—— Messrs. H——, and G——.

Brecknock relates his escape with his usual enthusiasm;—"in this unparalleled act of violence, says he, one of the assassins presented a pistol at me, it went off, and I received the whole contents of the discharge upon my left arm, just above the elbow, but it gave me no other sensation of pain, than what I should have felt, had a small half-spent tennis ball been stricken against my elbow. It instantly occurred to my idea, that the *Angel of God* had *interposed* between me and the pistol, and deadened the force of the charge, just enough for me to feel it, for the special purpose of my acknowledging the divine intermediation and protection; accordingly, I instantly threw myself upon my knees in
fervent

fervent devotion to God, through my Mediator Jesus Christ, and I remained in that position the whole time they were butchering my companion; but (*marvellous to relate,*) not one shot more was aimed at me, nor did I receive the least hurt."

The people of *Castlebar* having received the intelligence of Mr. *McDonnell's* assassination, armed themselves, and procuring military assistance, immediately went down to Turlough, where they attacked *Fitzgerald's* house; and as the fury of an incensed populace is seldom to be influenced by the power even of magistracy, their outrages were doubtless carried to an extreme.—*Brecknock* says, they began firing at the windows, doors, and every other part of the house, smashing every pane of glass into shivers; at last forced open the street-door, and without warrant, writ, or other process of laws, the coroner seized him and a clergyman by the collar, and conducted them down stairs, delivering them into the hands of a person who attended the mob, and who, "I suppose struck with the gravity of my appearance, consecrated (as it were) by the well-known manner of the life I here lead, which is that of a PRIMITIVE CHRISTIAN; and

and thinking, perhaps, that some respect was due to a minister of the Gospel, led me and the clergyman, *by the providence of God*, through the savage mob unhurt, and delivered us into the hands of a magistrate at the head of the military detachment, who were at the distance of about three hundred yards from the house, yet still in sight of the outrages perpetrated by the riotous mob. Mr. *Fitzgerald*, in eight or ten minutes, was also brought under the conduct of the coroner, who delivered him up to the magistrate; and then we marched to *Castlebar*, three miles distant from Turlough, guarded by the military to the county gaol."

On the 10th of April, Lord Chief Baron *Yelverton* and Mr. Baron *Power* arrived at *Castlebar*, and the next day proceeded to the trial of Mr. *Fitzgerald*, and his accomplices,

After the Grand Jury had been sworn, the Chief Baron gave a most learned charge to them, which ended by observing, that the duty of a Grand Juror was to imitate the ancient court, which sat in the dark, that they might not pay any respect to persons;

sons ; and therefore it was, that Justice was painted *blind*, not that she might not see offences, but that she might be perfectly impartial ;—were it otherwise the mean and the low might be excited to oppose those laws, which seem only to bind them, while the great might elude them ; and he requested the jury to shew by their impartiality, that the *feudal tenures* have been long abolished, and that the titles of *Lord* and *Vassal* have ceased to exist.

The Grand Jury having found bills against Mr. *Fitzgerald*, *Timothy Brecknock*, and the rest of the party for the murder of Mr. *McDonnell*, and also of Mr. *Hipson*, the judge ordered them to be arraigned.

Mr. *Stanley* counsel for *Fitzgerald*, stated, that he had a motion to submit to the court ; and went on to lay the ill state of Mr. *Fitzgerald's* health before them ; with his having been plundered by the mob, after the accident ;—and though his client was not able to procure an affidavit from a physician, that his health was so precarious, or from a surgeon, that his state was so uncertain, that he
could

could not attend ; and though he could not himself make such an affidavit, yet he trusted to be able to lay before the court such an affidavit, as to the state of his *mind*, as to induce his Lordship to postpone the trial. He also said he had to request his Lordship to go down to the gaol, to take his affidavit, as from the treatment Mr. *Fitzgerald* received, he had been confined to his bed, and could not come to the court in any other manner. Dr. *Boyd* declared that Mr. *Fitzgerald* might be brought up warmly covered, or in his bed, as he alledged that he had no cloaths ; that his long laying in a horizontal posture, had made it perhaps less safe for him to come in any other manner ; and that contrary to all patients he had known, who generally desire to leave their bed, he could not prevail upon Mr. *Fitzgerald* to quit his, nor could he induce him to take animal food, which would have speedily amended the injuries he had sustained by loss of blood.

The Chief Baron ordered him to be brought up with proper precautions, in his bed.

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The court then adjourned for half an hour, after which, Mr. *Fitzgerald* was brought into court in his bed, and laid on the witness's table, where he was arraigned as being present, aiding, abetting, and assisting in the murder of *Patrick Randal M'Donnell, Esq.* at the Bridge of Kilnecarra, in the County of Mayo, on the 21st of February last, as were *Timothy Brecknock, Andrew Craig*, otherwise *Creagh*, commonly called *Scots Andrew*, *James Foy, William Fulton, John Fulton, John Chapman*, and *Wallis Kelly*, for traitorously murdering the said *Patrick Randal M'Donnell*.

When the question, "how will you be tried," was put, and the Clerk of the Crown desired them as usual, to answer "by God and my country," Mr. *Brecknock* said, I should chuse to be tried by God, and not by *your* country.—After being repeatedly urged to answer in the usual manner;—the Chief Baron informed him, that if he did not answer as customary, he must proceed according to law, consider him as mute, and pass sentence on him accordingly.

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Mr. *Brecknock* said it was impossible to be tried both by God and the country ; they were distinct propositions. But being again urged by the Chief Baron, he made the usual answer.

George Robert Fitzgerald and *Timothy Brecknock* then severally held up their hands, and were respectively arraigned, for provoking, stirring up, and procuring the several persons named in the indictment, traiterously and feloniously to kill and murder *Patrick Randel M'Donnell*, Esq.

Mr. *Stanley* moved to put off the trial, stating the hardships under which his client had laboured since his commitment, and produced an affidavit, which stated, that since Mr. *Fitzgerald's* committal, the prosecutor, with several others in arms, broke into the gaol, knocked down the centinel, and fired several shots at Mr. *Fitzgerald*, and gave him many wounds, under which he languished ; that since his committal, his tenants had been banished, his lands laid waste, and his friends and witnesses intimidated from coming near him, by the fury and violence of the prosecutors

and

and their friends; that his constitution was so debilitated, by the great effusion of blood, that it was impossible for him to be prepared; that he had several material witnesses, whom he named, whose attendance, he hoped to procure by the next assizes; and that by the artifice and misrepresentation of the prosecutor, such a cry had been raised against him, that he could not with safety to his life, abide his trial at the present assizes: upon those grounds the trial was postponed; but the Attorney General gave Mr. *Fitzgerald* notice to be prepared much sooner than the next assizes; whereupon the Chief Baron, at the desire of the Attorney General, adjourned the commission to *Castlebar*, 'till the 8th of June.

The concourse of people which crowded to *Castlebar*, in order to hear Mr. *Fitzgerald's* trial, was so great, that the Judge, and many in court around him, were very apprehensive the court-house floor would yield to such an uncommon weight; indeed, on the second day an alarm arose, that the floor was falling, on which, never did ensue a scene of more trepidation and confusion,

and only that the prisoners who were then in the dock thought they were on the brink of eternity, they might easily have made their escape; the Judge, Jury, Councillors, &c. were running promiscuously here and there; the Judge at last got into the Jury room; there was no respect of persons, many indifferent persons having got there before him.

The alarm was soon discovered to be false; nevertheless the court was adjourned for an hour; the croud was such, that they were sitting on each others shoulders, and tho' the guards were numerous at the doors, around the dock, and in the passage up to the bench, yet the people prevailed by bribes, intreaties, &c.

The Attorney General seemed to be very intent for the prosecution. The rest of *Fitzgerald's* party said they were ready for their trial, but the Attorney General put it off until the time Mr. *Fitzgerald* should be tried; and gave for reason, that the trying them then would divulge the evidence of the Crown against *Fitzgerald*; *Fitzgerald's* Counsel pleaded hard

hard that the trial of all the rest should go on now, but the Judge gave it in favor of the Attorney General.

However atrocious is the crime with which *Fitzgerald* and his party were charged, the firmness shewn by the Attorney General in his declarations, that he would prosecute with every rigour the violent assaulters of *Fitzgerald* in gaol, do him the greatest honor and credit.—Impartiality, indeed, and common justice to the peace of the kingdom demanded strictness on this occasion, to convince the offenders and the people at large, that the laws alone should inflict punishment, on conviction, on a culprit; and that no persons are to take such punishment out of the hands of justice, by becoming assassins.

Brecknock's refusal, when brought into court, to answer in the usual manner, that he would be tried by God and his country, arose it seems from a mistaken idea, that the terms were to be understood in the same sense in which they were *originally* applied. For it is contended by some that the proper

per question put to the prisoner, previous to his trial, was by whom he would be tried? which meant, by God or the country? i. e. by Ordeal, or by Jury? For the the trial by Ordeal used formerly to be called *Judicium Dei*. But upon indictments, since the abolition of Ordeal, there can be no other trial but by jury *per pais*, or by the country; and therefore if the prisoner refuses to put himself upon the inquest, in the usual form, that is, to answer that he will be tried by God and the country, if a Commoner; and if a Peer, by God and his Peers; the indictment, if in treason, is taken *pro confesso*: and the prisoner, in cases of felony, is adjudged to stand mute, and if he perseveres in his obstinacy, shall now be convicted of the felony.

It was with the same pedantry and error that Brecknock claimed also a *jury de mediate*; by which it appears, as well as his objection to calling Ireland his Country, that he considers himself, because an Englishman, to be a foreigner, as the humanity of our laws allows an alien to be tried by a jury composed of half foreigners, if so many may be found in the place; which does not (according to a learned Judge)

Judge) hold in treasons; aliens being very improper judges of the breach of allegiance.

Mr. *Brecknock*'s demand if complied with, would occasion a display of much legal knowledge and argument. Before the Union, though the Crowns of Scotland and England were on one head, yet they being considered as independent kingdoms, such a claim was allowed as matter of right. This question would, therefore, naturally involve in it the investigation of how far Ireland is to be considered as an independent kingdom, and seems to be of more political consequence to the nation than of material consequence to the gentleman himself.

Had *Brecknock* refused to answer in the usual manner to plead guilty or not guilty, he would have been considered as mute, and judgment would have passed against him.—The judgment of penance for standing mute, was anciently as follows: That the prisoner be remanded to the prison chamber, and there be laid on his back, on the bare floor, naked; unless where decency forbids; that there be placed on his body as great a weight of
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iron as he could bear, and more; that he have no sustenance, save only on the first day, three morsels of the worst bread; and on the second day three draughts of standing water that should be nearest to the prison door; and in this situation this should be alternately his daily diet, till he died, or, as anciently the judgment ran, till he answered. But the law now is, that every person who being arraigned for felony or piracy, shall stand mute, or not answer directly to the offence, shall be convicted of the same; and the same judgment and execution (with all their consequences in every respect) shall be thereupon awarded, as if the person had been convicted by verdict or confession of the crime.

But the refusal of *Brecknock* to be tried by the country is not a new case; for in the state trials, there are several instances of such answers from prisoners when brought to be arraigned at the bar. Colonel *Lilburne*, and *Barebones*, two of the thirty-nine regicides, exempted from pardon by the act of oblivion passed in the first parliament that sat after the Restoration, when called upon to hold up
their

their hands, "We will not—our hands are our own, and we choose to keep them down." Their solicitor having prevailed on them to submit to this, as matter of form, they held up their hands. Being asked how they would be tried? *Barebones* said, "By him, who trieth the reins and the heart;—who knoweth the thoughts, and verily will not suffer the innocent to be punished, nor the guilty to escape." "That will not do," answered the Judge; "you must say, by God, and my country." "Thou art a tool of power," replied *Barebones*, "and I believe, whatever thou mayest know of thy country or mine, hast nothing to do with God." "Aye, but I have something to do with you at present," answered the Judge, "and if you refuse to plead, I shall order you immediately to the press." "Well, what wouldst thou have us say?" replied *Lilburne*; "that you will be tried by God and your country." "We have already been tried, and stand acquitted by him," said *Lilburne*; "and as for the country, they have turned with the times, and are all, or pretend to be, stout royalists: Besides, the parties are not fit companions to sit in judgment on a poor sinner." "Why?" answered the Judge; because

comparisons are odious," said *Lilburne*. This expression caused a loud laugh in court. But being again threatened with the press, they at length pleaded not guilty, but positively refused to be tried by the country. "We have pleaded to the indictment," said they, "by denying guilt, which implies an affirmation of innocence, and we know that thou wilt try us according to the established profane and ridiculous mode, whether we choose it or not;—begin then; we are ready to answer."—Several occurrences fell out during the trials of these unhappy men, who were soon found guilty of conspiring, aiding, and assisting in the death of the King, and ordered for execution the following week. They persisted to the last, that they had committed no crime, for how can he be guilty, said they, who has done a righteous act?

T H E T R I A L.

The Judges appointed by *special* commission for trying Mr. *Fitzgerald*, were Lord Chief Baron *Yelverton* and Baron *Medge*, who, on the 8th instant, arrived at *Castlebar*, the shire town of the county of Mayo.

It was thought necessary by the Attorney General, to proceed on the trial of the persons who had forced open the gaol of *Castlebar*, and violently assaulted Mr. *Fitzgerald*, while under the protection of the laws. The court agreed to the propriety of Mr. *Attorney's* request, and accordingly the following persons, viz. *James Martin*, Esq; Mr. *Andrew Gallagher*, Mr. *James Gallagher*, *Charles Higgins*, *Luke Higgins*, and *Daniel Clarke*, were immediately arraigned, for having broke open the gaol of *Castlebar*, and assaulting *George Robert Fitzgerald*, Esq; a prisoner in the said gaol, and in the custody of the gaoler,

The Attorney General opened the business. He painted with much warmth the extent of the offence

for which the prisoners were arraigned—he inveighed against that turbulent spirit, which had too long disgraced many parts of this country, and hoped that the court would that day be enabled to furnish such an example, as would deter such daring violation of the laws in future, from acts of outrage. He then went into an examination of his evidence, to establish the commission of the fact, by the parties abovenamed, to which the court paid very earnest attention—but the evidence adduced, was insufficient to come to any thing near conviction. It appeared that the gaol had been forcibly entered in the evening; that the men who entered, were armed with swords and pistols; the sentinel who had been on duty at the gaol, was examined, but declared, that as the transaction took place in the dusk of the evening, he could not positively swear to the persons of any one named in the indictment—of course, his evidence was of no avail. Even Mr. *Fitzgerald* himself could not take upon him to swear to their identity; besides the parties were ready to prove an *alibi*; but for that, it seems there was no necessity, as the evidence

dence adduced could not at all affect them. The jury then without withdrawing from the box, returned their verdict—NOT GUILTY.

At half past eight the next morning, Mr. *Fitzgerald* was brought to the bar, and given in charge to the Jury. He challenged fifteen of them peremptorily; and the Right Hon. the Attorney General also challenged such of the Jury as he was informed, stood in any degree of relationship to the deceased. An honorable proof of his desire to have substantial justice administered, without the partiality of prejudice.—The Jury then stood impanelled as follows,

Thomas Lyndsay, sen. Esq; of *Hollymount*, FOREMAN.

Smith Steel, Esq; of *Foxford*,

John Moore, Esq.

James Gildea, jun. Esq; of *Costlough*,

James Lynch, Esq.

John Joyce, Esq; of *Oxford*,

William Ousley, Esq; of *Rushbrook*,

James Miller, Esq; of *Westport*,

Thomas Ormsby, Esq; of *Ballinamore*,

Joseph Lambert, Esq; of *Towker*,

William Ellison, Esq; of *Castlebar*.

Christopher Baynes, Esq; of *Lakeland*.

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The Attorney General then proceeded to open the case, and continued upon his legs a considerable time, adducing proofs, and stating the enormity of a crime, which he observed was unparalleled—a murder premeditated during the course of eighteen months, and carried into execution with a peculiar feature of cruelty:

Murder is in Ireland a much more heinous offence in the eye of the law, than it is in England; for in the former it has long since been by statute made *high treason*: the over-act of this treason, which Mr. Attorney said he would prove, was not the actual firing at, and killing of the deceased, but the *hiring* of others to do that act for him: he said that he could produce above *thirty* witnesses to this effect; but in order to save the court and jury a great deal of unnecessary trouble, he would call only *three*; one of whom was servant to Mr. *Fitzgerald*, both before and at the time the murder was committed, and had, at the persuasion and instigation of his master, become an accomplice in the perpetration of the crime. The testimony of this man, who was known by the name of *Scots Andrew*, he would
support

support by the evidence of two legal and unexceptionable witnesses, *James Ferguson* and *John Brophy*.

The Attorney General then proceeded to examine the evidence.—The first evidence produced on behalf of the Crown, was,

Mr. Gallagher, one of the parties who had providentially escaped the morning of the murder of *M'Donnell* and *Hipson*, whose disposition, as to the material parts, was of the following purport: That *Mr. Fitzgerald* had laid many plans to destroy *Mr. M'Donnell*, which had failed, until a shot from *Mr. Fitzgerald's* house, that wounded this devoted victim as he passed it, seemed the prelude of those tragical events that soon followed; that for the above assault, a man had been tried and acquitted; that finding this attempt so far successful, *Mr. Fitzgerald* procured a magistrate, a *Mr. O'Mealey*, to take examinations against *Mr. M'Donnell*, *Gallagher*, and *Hipson*, and prevailed on this unworthy magistrate, whose commission has since been recalled, to grant warrants against these gentlemen—that *Mr. M'Donnell* hearing of these transactions, and knowing

ing the implacable desperation of *Fitzgerald* his neighbour, quit his house, and came to lodge in the town of *Castlebar* for safety.

That on the 20th of February, *M'Donnell*, *Gallagher*, and *Hipson*, went in company to *M'Donnell's* house, in order to give some directions to his servants, about ten o'clock in the forenoon, of which *Fitzgerald* having information, he sent a party in order to take them into custody on the surreptitious warrant, and before the party had arrived the gentlemen had left the house, on their return to town; but finding themselves pursued, took shelter in a house on the road, which was soon after surrounded by the party, who after firing several shots into it, at last burst open the door: that the witness, *Callagher*, came out and asked them the reason for this attack? they answered, that they had warrants against Mr. *M'Donnell*, *Hipson*, and himself; he then desired them to produce the warrants, but they refused so to do and enquired for Mr. *M'Donnell*. *Gallagher* told them he had rode off; having previously taken the precaution to conceal him in a heap of malt, from whence, however they soon dragged him out,

out, and having set him on horseback, as he could not walk on account of the wound in his leg he had received, as before mentioned, conducted him, together with deponent and Mr. *Hipson*, whom they tied to one another, and brought them to Mr. *Fitzgerald's* house, where they were kept until next morning, pretending it was too late then to bring them before a magistrate.

That in the morning a guard was prepared to conduct them, when deponent heard *Fitzgerald* give directions to *Andrew Craig*, to be sure to secure his prisoners, and if there was a rescue to shoot them. That when they were brought about two or three hundred yards from the house, *Andrew Craig* called out to the party, "A rescue!"—On which a shot was fired by one of the rear guard, which killed one of *Fitzgerald's* own men, and wounded three or four. They then fired at *Hipson*, and deponent, who fell as if killed; and afterwards followed *McDonnell*, who from one of the first shots had been wounded in the arm, and his mare taking fright, was running off with him; but he was stopped at the bridge by a man purposely posted there

to prevent an escape, when *Andrew Craig* coming up, fired a shot into his body, and killed him.

(*Mr. Gallagher*, it appears, endeavoured to escape while the party were in pursuit of the two unfortunate gentlemen who fell sacrifices in the above melancholy transaction, but was observed by them creeping behind the shelter of a bush. He is said, however, to have supplicated for his life, and to have softened those savages so far that they agreed to take him to *Mr. Fitzgerald's* house, where he was soon after rescued by his friends.)

From the deposition of *Andrew Craig*, who, tho' a capital actor in this bloody scene, was, in order to bring the projector of so diabolical a plot to justice, admitted King's evidence ; it appeared, that when the pretended rescue was concerted, as an excuse to fire upon the prisoners, only two of the assassins were let into the scheme, in which it was determined, in order to save appearances, to sacrifice some of his own men in the front, for which purpose a man was posted behind a wall to fire at them.

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As soon as the evidence on both sides was closed, Mr. *Fitzgerald* addressed the court, praying, as it was a case that affected his life, that he might be indulged to speak for himself, which being immediately granted, he made one of the most able defences, that perhaps ever was heard; he spoke for three hours, with a strength of imagination, and a degree of composure, astonishing indeed, when it is considered, what the human mind must feel, at so awful a crisis.

On his defence, *Fitzgerald* called on some witnesses to prove that he was not present during the circumstance of the murders, or aiding or assisting thereat; but they made no material change in his favour.

The Chief Baron then gave a most excellent charge to the Jury; who withdrew for seven minutes, and returned a verdict—GUILTY.

Mr. *Fitzgerald* was then ordered into the custody of the Sheriff, but sentence was not pronounced on him. When the Foreman of the Jury pro-

nounced the word guilty, a sudden gloom overspread Mr. *Fitzgerald's* countenance, which seemed unaffected before.—After leaving the court, Mr. *Fitzgerald's* Council proposed to move an arrest of judgment.

After the verdict of the jury against Mr. *Fitzgerald*, he requested to have some private conference with Mr. *Browne*, the High Sheriff; the latter consented, on condition of having a friend present. What passed on the occasion did not transpire; but the Sheriff and his friend accompanied him to the prison, where having walked about his room in some perturbation, he threw himself on a bed, and continued lying on his face above three hours and a half, without uttering a word.

Mr. *Fitzgerald* looked very well—but his dress was somewhat curious: an old thread-bare great coat on, his head shaved, and a clean pocket handkerchief tied over it, resembling an old beggar-man, but he seemed in good spirits, and smiled at every one as if he was no way apprehensive of danger.

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BRECKNOCK'S TRIAL.

On Monday the 12th of June, *Timothy Brecknock* was called upon his trial, and given in charge to the Jury upon two indictments, for conspiring and procuring the death of *Patrick Randel M'Donnell*, and *Charles Hipson*. The evidence having fully established the charges in the indictments, the Jury found him *Guilty*.

After *Brecknock's* conviction, the Chief Baron ordered the Clerk of the Crown to call up for sentence, those persons who had been convicted of actually perpetrating the murder, which sentence he then passed upon *John Fulton* and his other associates, in the most eloquent and affecting manner.

The Chief Baron next desired to know of Mr. *Stanley*, whether he meant to make his promised motion in arrest of judgment? but at the same time, warmly recommended to him, unless there was a solid ground of objection to the indictment, not to make his motion, as it must necessarily be made

made in Mr. *Fitzgerald's* presence, and might possibly derange his feelings, which, he said, he was happy to hear, were calm and composed. Mr. *Stanley*, on consideration, declined to make any motion in arrest of judgment.

Mr. *Fitzgerald* was then brought up to the bar of the court, and the Chief Baron, after a preface, which drew tears from almost all who heard him, on the enormity of the crime, passed *Sentence of Death* upon *George Robert Fitzgerald* and *Timothy Brecknock*, with orders for their execution on that day.

Execution of BRECKNOCK and FITZGERALD.

These unfortunate gentlemen being now conducted to the last scene of their existence, *Fitzgerald* seemed at first, but a little affected—there was a settled solemnity in his countenance, which appeared to be the result of absolute resignation. At intervals, however, it was easy to discover, although he did not express it by word or action, that

that the certain approach of his dissolution made a very deep impression on him—some people assert that he shed a few tears. He every now and then looked round him, and seemed to take a “longing, lingering look.”—He spoke very little, and prior to his execution, appeared as if engaged in prayer.

Mr. *Brecknock*'s countenance bore strong traits of philosophy and innocence; he uttered some expressions which were thought incoherent by the multitude, probably from their being not heard distinctly; he was first turned off, and met his fate with a fortitude and composure worthy a better cause.

Fitzgerald next mounted the ladder; and here all that desperate courage and temerity, for which his whole life had been distinguished, seemed to return; he no longer betrayed the smallest symptom of fear, but plunged himself off the ladder; the rope broke with the sudden check, and he got a severe shock. He now appeared impatient for the moment of his annihilation; he rose upon his feet without

without any assistance, and called to the Sheriff to procure a stronger rope instantly; a rope was at hand; it was immediately fastened round his neck; he again mounted the ladder—he leaped a second time and plunged into eternity.—It was thought from the lightness of Mr. *Fitzgerald's* body, that it would be a considerable time before breath would leave him, but he expired in a very few minutes, and in a much shorter space than his fellow sufferer.

After the bodies had hung their usual time, they were cut down, dismembered, quartered, and their heads dissevered from their bodies. Their friends immediately after carried their remains away.

Thus ended the life of that man, whose horrid transactions have made such a noise in Ireland—who was in possession of every accomplishment that could ornament the man, and in affluence sufficient to enjoy every blessing of nature—but all which were destroyed by a most implacable and sanguinary disposition.

John

John Rebeny, Archibald Newing, William Fulton,
and *David Simpson*, the other four convicts, were
ordered for execution on a future day.

ADDITIONAL REMARKS.

As every circumstance relative to so uncommon a character as Mr. *Fitzgerald*, will excite the curiosity and attention of the public, the Editor of these Memoirs has been induced to add the following remarks, which have been communicated by different friends.

After Mr. *Fitzgerald's* Jury had given their verdict, and pronounced his guilt from the testimony adduced on the occasion, the Chief Baron addressed him in a most eloquent and pathetic manner, exhorting him to a proper employment of those few precious moments which lay within his power. Mr. *Fitzgerald* is said to have heard the Baron with extreme attention, but when he came to mention Monday as the period of his execution, he assured his Lordship that "he would not die on Monday,"

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(insinuating, no doubt, by such a declaration, that he should perpetrate some violence on himself.) This produced a farther admonition from the Judge, who took occasion to inform him that he was vested with a power to send him to immediate execution, but from motives of the kindest intent, and to give him opportunity to reconcile himself by repentance to an offended Deity, he enlarged the term to the above-mentioned time, on which Mr. *Fitzgerald* again affirmed, "he would not die one Monday."

His Majesty was applied to, but remained deaf to every supplication of the few friends who interested themselves in the fate of the above unfortunate gentleman, and had even sent instructions to the Lord Lieutenant, that whenever his sentence was pronounced, the punishment awarded to his demerit should be executed with promptitude.

Indeed Lady *M—y F———d* had so little hope of the Royal pardon for her son, that all the solicitation she made to her Royal mistress, the Princess Amelia, was, to intercede with his Majesty
for

for remitting the forfeiture of the family estate, in favour of the Daughter;—but it seems the estate is not forfeitable, and so falls into the male line.

The estreat of the late *George Robert Fitzgerald's* effects upon his conviction, goes no further than the property of which he had the right of disposal. Murder in Ireland is considered by the laws, as an act of high treason; in Great Britain it is not, as was some years ago exemplified, in the case of *Earl Ferrers*, who was hanged at Tyburn, for the murder of his steward, after which unhappy catastrophe, the heir at law assumed the title, and took possession of the fortune, real as well as personal,

A gentleman in Ireland has received a letter from a clergyman in London, a particular friend of *Lady M—y F———d's*:—'tis written at her request, and is said to be one of the most affecting letters ever read. She first describes her great affliction in a most striking view—then endeavours to awaken his guilt, and afterwards exhorts him to repentance. The letter was sent under cover, with a request that it might be sealed and delivered to him after the trial.

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This letter is highly spoken of—and is said to be not less remarkable for the elegance of style, than expressive of her warmest detestation of crimes so disgraceful to humanity.—Her object was solely to furnish the means of having a fair and proper trial—not to screen from justice any, however nearly connected with her, that could be guilty of such enormities—She declared, that if upon trial, the facts should be established, it was the wish nearest to her heart, that the perpetrators should suffer that condign punishment they so truly merited—her intention was to assist the innocent to protect that innocence—not to shield the guilty wretch from being made an example; to deter others from the commission of crimes that human nature shudders at.—Lady M—y further said, that if her son was found guilty of the heavy charge alledged against him—that no step whatsoever should be taken on her part, to prevent the execution of the sentence of the law.

Her agent in Ireland, had orders to advance 100l. but if the circumstances of the case required more, to add another 100l.—This was the whole that *Fitzgerald* had, to fee his counsel, &c.

A circumstance of the most shocking nature, came out on the trial of *Mr. Fitzgerald*. It appeared that in the year 1782, he employed a man to shoot his own brother, who actually way-laid and discharged a piece at him, but happily missed his aim. The assassin returned to *Fitzgerald*, told him his conscience would not allow him to pursue the act, upon which, *Mr. Fitzgerald*, to prevent discovery, shot the unhappy wretch, and with the assistance of *Scots Andrew*, buried him in his cloaths.

In the year 1782, *Fitzgerald* was tried at *Castlebar*, before the Hon. Mr. *Solicitor General Carleton*, for the false imprisonment and cruel treatment given to his FATHER, as we have already stated, in order to compel him to make his will in his favor.—It appeared in evidence against *Fitzgerald*, that on the first onset of his father's confinement at *Rockfield-house*, he was chained to a large block of wood, and on his continuing obstinate in his refusal of making such will, he had three of his teeth knocked out, and was treated with the utmost inhumanity, and cruelty:—however, the father at length gave himself

himself the appearance of being satisfied and willing to comply with *Fitzgerald's* directions, by which he procured the means of making his situation known, and several gentlemen in that part of the country interfered and rescued him.—On these indictments he was convicted, and sentenced to a very long imprisonment, and the payment of a very heavy fine.

The situation of Mr. *F——d's* wife is truly deplorable, and certainly merits compassion. It was through an excess of fondness for Mr. *F——d*, she was induced to marry him, and that against her father's consent.

She is the only daughter of Mr. *V—gb—n*, who possesses very considerable estates in the counties of Mayo and Roscommon.

Mr. *F——d* was only tenant for life—his only daughter, by his first marriage, is entitled to a fortune of 10,000*l.*—She is now at a boarding-school in the City of Dublin.

By

By the death of Mr. *F——d*, his brother, *Charles Lionel F——d*, comes into the possession of an estate of near four thousand a year, subject to a small annuity to Lady *M——*, and the above sum of 10,000*l.* to Miss *F——d*.

Miss *F——d* is a fine young lady, extremely handsome and graceful in her person. She is said, besides those charms, to be possessed of a most amiable and gentle disposition; and should her uncle die before her without issue, it is thought she will receive a considerable augmentation to her fortune.

It is generally imagined, Mr. *F——d* would have found some means of ending his life, previous to execution, but that he had hopes of success on his motion in arrest of judgment; and the short period allowed between the time of his counsel having declined to make it, and the fatal catastrophe, gave him no opportunity of effecting his design.

It would be ungenerous to pass over in silence, the indefatigable industry of the Attorney General,

to

to bring to condign punishment, those persons who broke into *Castlebar* goal; and the solicitude manifested by the Chief Baron and his Colleague, upon the occasion. — Every exertion was made, every thing put in train, that could tend to conviction, but not with the wished-for effect; all that was established on the trial was simply this, —“the gaol of *Castlebar* had been broke open, several persons armed rushed in, who violently assaulted and wounded the prisoner;” —but who were the outrageous transgressors, not a tittle of evidence appeared, or was adduced to ascertain, so that the different persons arraigned for the crime, were acquitted, but not till after a very long trial, and full investigation.

It is much to be regretted that the Crown was obliged to receive the evidence of *Scots Andrew*, — the very wretch who deliberately dispatched the unfortunate *M'Donnell*. The frequent contests between the latter gentleman and *F——d*, heated each others minds with mutual jealousy and irreconcilable animosity. But this deliberate assassin, who even owed many obligations to Mr. *M'Donnell*, could have no palliation or excuse for his conduct, which

which was occasioned solely—by an infernal blood-thirsty disposition, and an inordinate desire of procuring gain at the expence of every sentiment of gratitude and humanity.

A number of the poor wretches who had been indicted with *Fitzgerald*, *Brecknock*, and *Fulton*, very narrowly escaped a similar fate. Their having been of the party concerned in the murders, they did not attempt to deny—this was fully proved by *Scots Andrew*,—happily one of them asked him whether he did believe or know that they were in any manner privy to the order for the assassination of *M'Donnell*, &c. *Scots Andrew* hesitated for some time, and after a little recollection, declared, that they only had orders to assist in conveying *M'Donnell* and *Hipson* to prison.—They were acquitted by the Jury.

Brecknock, who carried with him to the very brink of eternity, all that fantastic ridiculous demeanour which distinguished him through life, from every concurrent account long since deserved the fate which he at length met with.

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His infamous practices in Westminster were notorious. It was not until he had far advanced in the vale of life that he acquired the affected pedantic manner which he was so remarkable for—sa in his youthful days, and even when past the vigour of youth, he was of a quite different disposition. He prided himself much upon a knowledge of the tricks and quibbles of the law—a specimen of which he gave on his being indicted for the crime for which he suffered.

F——*d* certainly possessed a portion of courage, but with all the cunning imaginable; no man was more forward to fight; and yet he rarely fought a duel, either with sword or pistol, in which he did not contrive to have some advantage over his opponent; against the former weapon his body was usually cased, his waistcoat being lined with an elastic substance, as was the case when he fought with Mr. *French*; and in fighting with pistols, it was usual for him to drop on one knee, as his antagonist was about to fire.

The melancholy catastrophe of the above illustrated man, conveys an awful and instructive lesson

lesson to society. Gifted with many shining qualifications, possessed of fortune, and the first connexions in the kingdom, every circumstance of his situation seemed calculated to make him respectable, useful, and happy; we cannot, therefore, but lament the depravity which led to the abuse of those blessings, and to a misapplication of such acquirements, through the unbridled indulgence of passions which have converted them into sources of misfortune.

Who that has sensibility can survey the ruin and ignominy of this fallen gentleman without regretting the imperfection of our species!—No exhortation can speak more forcibly, or recommend in more powerful language, the necessity of governing our tempers from the first assaults and impressions of resentment and revenge, which poisoning the mind, by chasing humanity, honour, and pity from the breast, give free access to those unworthy principles, that debase our natures, and destroy our happiness.

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